S.B. CIVIL MISC. APPLICATION NO.40/2007

DATE OF ORDER : - 10.7.2007

HON'BLE MR.PRAKASH TATIA,J.

Mr. Sanjeev Johsari,for the petitioner.

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An application has been filed for recalling of the order dated 12.10.2004 on the ground that though the petition of the petitioner was liable to be dismissed but not in view of the judgment delivered in the case of M/s. Parasnath Granite India Ltd. Vs. State of Rajasthan & Anr. reported in 2004 Vol.9 Part-5 TAX UP-DATE 125 and followed in S.B. Civil Sales Tax Revision Petition No.993/2002, Assistant Commercial Taxes Officer Vs. M/s. General Supplying Agencies decided on 2nd August, 2004, but the revision petition was in fact, covered by the judgment of the Supreme Court delivered in the case of Commercial Taxes Officer, Udaipur Vs. Shree Rajasthan Texchem Ltd., reported in (2007) 3 SCC 124.

The prayer in the application is that the revision petition n.180/2004, which was dismissed by order dated 12.10.2004 may be dismissed in the light of judgment delivered in the case of Commercial Taxes Officer, Udaipur Vs. Shree Rajasthan Texchem Ltd., reported in (2007) 3 SCC 124.

The application is allowed and the revision petition

no.180/2004 – Asstt. Commissioner, Banswara Vs. M/s. Banswara Syntex ltd. being covered by the judgment of the Supreme Court delivered in case of Commercial Taxes Officer, Udaipur (supra) shall be treated to be dismissed.

(PRAKASH TATIA), J.

c.p.goyal/-